



TO PRACTICE IN THE STATE AND PERFORMING WITHIN THE SCOPE OF THEIR PRACTICE AS DEFINED UNDER STATE LAW; (2) NURSE PRACTITIONERS, NURSE-MIDWIVES, CLINICAL SOCIAL WORKERS AND PHYSICIAN ASSISTANTS WHO ARE AUTHORIZED TO PRACTICE UNDER STATE LAW AND WHO ARE PERFORMING WITHIN THE SCOPE OF THEIR PRACTICE AS DEFINED UNDER STATE LAW; (3) CHRISTIAN SCIENCE PRACTITIONERS LISTED WITH THE FIRST CHURCH OF CHRIST, SCIENTIST IN BOSTON, MASSACHUSETTS. WHERE AN EMPLOYEE OR FAMILY MEMBER IS RECEIVING TREATMENT FROM A CHRISTIAN SCIENCE PRACTITIONER, AN EMPLOYEE MAY NOT OBJECT TO ANY REQUIREMENT FROM AN EMPLOYER THAT THE EMPLOYEE OR FAMILY MEMBER SUBMIT TO EXAMINATION (THOUGH NOT TREATMENT) TO OBTAIN A SECOND OR THIRD CERTIFICATION FROM A HEALTH CARE PROVIDER OTHER THAN A CHRISTIAN SCIENCE PRACTITIONER EXCEPT AS OTHERWISE PROVIDED UNDER APPLICABLE STATE OR LOCAL LAW OR COLLECTIVE BARGAINING AGREEMENT; (4) ANY HEALTH CARE PROVIDER FROM WHOM AN EMPLOYER OR THE EMPLOYER'S GROUP HEALTH PLAN'S BENEFITS MANAGER WILL ACCEPT CERTIFICATION OF THE EXISTENCE OF A SERIOUS HEALTH CONDITION TO SUBSTANTIATE A CLAIM FOR BENEFITS; AND (5) A HEALTH CARE PROVIDER LISTED ABOVE WHO PRACTICES IN A COUNTRY OTHER THAN THE UNITED STATES, WHO IS AUTHORIZED TO PRACTICE IN ACCORDANCE WITH THE LAW OF THAT COUNTRY, AND WHO IS PERFORMING WITHIN THE SCOPE OF HIS OR HER PRACTICE AS DEFINED UNDER SUCH LAW.(c) THE PHRASE AUTHORIZED TO PRACTICE IN THE STATE AS USED IN THIS SECTION MEANS THAT THE PROVIDER MUST BE AUTHORIZED TO DIAGNOSE AND TREAT PHYSICAL OR MENTAL HEALTH CONDITIONS.

*29 C.F.R. § 825.125*

THIS HONORABLE COURT DOES NOT FIT THIS DEFINITION AND IS THEREFORE UNABLE AND PROHIBITED TO PRESCRIBE, DIAGNOSIS, OR TREAT MR. BOWLIN IN ANY MANNER WHATSOEVER WITH A MEDICAL DEVICE.

(A). **FACIAL COVERINGS ARE A MEDICAL DEVICE**

A FACE MASK IS A DEVICE, WITH OR WITHOUT A FACE SHIELD, THAT COVERS THE USER'S NOSE AND MOUTH AND MAY OR MAY NOT MEET FLUID BARRIER OR FILTRATION EFFICIENCY LEVELS. IT INCLUDES CLOTH FACE COVERINGS AS A SUBSET. IT MAY BE FOR SINGLE OR MULTIPLE USES, AND IF FOR MULTIPLE USES IT MAY BE LAUNDERED OR CLEANED. THERE ARE MANY PRODUCTS MARKETED IN THE UNITED STATES AS "FACE MASKS" THAT OFFER A RANGE OF PROTECTION AGAINST POTENTIAL HEALTH HAZARDS. **FACE MASKS ARE REGULATED BY FDA WHEN THEY MEET THE DEFINITION OF A "DEVICE" UNDER SECTION 201(H) OF THE ACT. GENERALLY, FACE MASKS FALL WITHIN THIS DEFINITION WHEN THEY ARE INTENDED FOR A MEDICAL PURPOSE.**

*21 CFR 878.4040.*

THE *FOOD AND DRUG ADMINISTRATION* ELABORATED IN ITS MEMO OF APRIL 24, 2020, TO THE MANUFACTURERS OF FACE MASKS, HEALTHCARE PROVIDERS, HOSPITAL PURCHASING DEPARTMENTS, AND “ANY STAKEHOLDERS” THAT THESE MASKS ARE INTENDED TO BE USED AS **MEDICAL DEVICES ADMINISTERED BY A HEALTH CARE PROVIDER** (WHICH THIS HONORABLE COURT IS NOT). [HTTPS://WWW.FDA.GOV/MEDIA/137121/DOWNLOAD](https://www.fda.gov/media/137121/download).

SPECIFICALLY, THE FDA IS CLARIFYING THROUGH THIS RE-ISSUED LETTER THAT FACEMASKS, INCLUDING CLOTH FACE COVERINGS, ARE AUTHORIZED TO BE USED BY HCP ONLY AS SOURCE CONTROL<sup>1 2</sup> IN ACCORDANCE WITH CDC RECOMMENDATIONS UNDER THIS EUA.

**(B). FACE MASKS OFFERED BY THIS HONORABLE COURT ARE PROHIBITED BY THE FDA.**

THE FACE MASKS BEING PROVIDED BY THIS HONORABLE COURT DO NOT MEET THE FDA GUIDELINES.

(A) THE LABEL OF A DEVICE IN PACKAGE FORM SHALL SPECIFY CONSPICUOUSLY THE NAME AND PLACE OF BUSINESS OF THE MANUFACTURER, PACKER, OR DISTRIBUTOR. (B) THE REQUIREMENT FOR DECLARATION OF THE NAME OF THE MANUFACTURER, PACKER, OR DISTRIBUTOR SHALL BE DEEMED TO BE SATISFIED, IN THE CASE OF A CORPORATION, ONLY BY THE ACTUAL CORPORATE NAME WHICH MAY BE PRECEDED OR FOLLOWED BY THE NAME OF THE PARTICULAR DIVISION OF THE CORPORATION. ABBREVIATIONS FOR “COMPANY,” “INCORPORATED,” ETC., MAY BE USED AND “THE” MAY BE OMITTED. IN THE CASE OF AN INDIVIDUAL, PARTNERSHIP, OR ASSOCIATION, THE NAME UNDER WHICH THE BUSINESS IS CONDUCTED SHALL BE USED. (C) WHERE A DEVICE IS NOT MANUFACTURED BY THE PERSON WHOSE NAME APPEARS ON THE LABEL, THE NAME SHALL BE QUALIFIED BY A PHRASE THAT REVEALS THE CONNECTION SUCH PERSON HAS WITH SUCH DEVICE; SUCH AS, “MANUFACTURED FOR \_\_\_\_”, “DISTRIBUTED BY \_\_\_\_\_”, OR ANY OTHER WORDING THAT EXPRESSES THE FACTS. (D) THE STATEMENT OF THE PLACE OF BUSINESS SHALL INCLUDE THE STREET ADDRESS, CITY, STATE, AND ZIP CODE; HOWEVER, THE STREET ADDRESS MAY BE OMITTED IF IT IS SHOWN IN A CURRENT CITY DIRECTORY OR TELEPHONE DIRECTORY. THE REQUIREMENT FOR INCLUSION OF THE ZIP CODE SHALL APPLY ONLY TO CONSUMER COMMODITY LABELS DEVELOPED OR REVISED AFTER THE EFFECTIVE DATE OF THIS SECTION. IN THE CASE OF NONCONSUMER PACKAGES, THE ZIP CODE SHALL APPEAR ON EITHER THE LABEL OR THE LABELING (INCLUDING THE INVOICE). (E) IF A PERSON MANUFACTURES, PACKS, OR DISTRIBUTES A DEVICE AT A PLACE OTHER THAN HIS PRINCIPAL PLACE OF BUSINESS, THE LABEL MAY STATE THE PRINCIPAL PLACE OF BUSINESS

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<sup>1</sup> Source control refers to the use of a facemask or cloth face covering over the mouth and nose to contain that individual’s respiratory secretions to help prevent transmission from infected individuals who may or may not have symptoms of COVID-19.

<sup>2</sup> <https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control-recommendations.html>

IN LIEU OF THE ACTUAL PLACE WHERE SUCH DEVICE WAS MANUFACTURED OR PACKED OR  
IS TO BE DISTRIBUTED, UNLESS SUCH STATEMENT WOULD BE MISLEADING.

*21 C.F.R. § 801.1*

MR. BOWLIN MAY NOT BE COERCED INTO WEARING A MEDICAL DEVICE NOT PRESCRIBED BY HIS PHYSICIAN  
AND NOT IN COMPLIANCE WITH THE FDA.

**II. TO PRESSURE, OR COERCE MR. BOWLIN TO WEAR A MEDICAL DEVICE ERODES THE  
PROTECTIONS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA.**

THE UNITED STATES SUPREME COURT WITH DETAIL REAFFIRMED ONE'S RIGHT TO REFUSE MEDICAL  
TREATMENT AND BE SAFE FROM COERCED MEDICAL CARE.

“A COMPETENT PERSON HAS A LIBERTY INTEREST UNDER THE DUE PROCESS CLAUSE IN REFUSING  
UNWANTED MEDICAL TREATMENT. Cf., *E.G.*, *JACOBSON V. MASSACHUSETTS*, 197 U.S. 11, 24-30.”

*CRUZAN EX REL. CRUZAN V. DIRECTOR, MISSOURI DEPARTMENT OF HEALTH*, 497 U.S. 261, 262 (1990)

SIMPLY PUT, MR. BOWLIN SHOULD NOT BE COERCED TO WEAR A FACE MASK OR ANY OTHER DEVICE DURING  
THE TRIAL OF MR. WALLACE.

**III. THIS HONORABLE COURT AND ITS MASK ORDER PRODUCES A DERIVATIVE OF FEAR, EMOTIONAL  
DISTRESS, AND CREATES EXTREME DEGREES OF TRUSTWORTHINESS.**

BY THE IMPLEMENTATION OF A MASK MANDATE THIS HONORABLE COURT IS EMBRACING THE IDEA THAT  
THIS VIRUS CAN BE CONTROLLED BY THE WEARING OF A MASK OVER THE FACE AND NOSE. WITHOUT ANY SORT OF  
PROTOCOL OR STANDARDS FOR THESE MASKS THE COURT HAS SIMPLY EMBRACED THE IDEAS OF OTHERS THAT:

1. THERE IS A DEADLY VIRUS;
2. MASKS (WITHOUT STANDARDS) WORN OVER THE MOUTH AND NOSE CONTROL AND PREVENT THE  
SPREAD OF THE VIRUS;
3. ALL MASKS ARE AS EFFECTIVE AS THE OTHERS;
4. THAT THOSE WHO DO NOT WEAR A MASK ARE DISCOUNTING NUMBERS 1-3.

5. THAT THOSE WHO DO NOT WEAR A MASK ARE CALLOUSED TO THE HEALTH AND WELL-BEING OF OTHERS (BECAUSE THE COURT BELIEVES 1-3).

THE LIST COULD GO ON AND ON. NONE OF WHICH ARE WITHOUT A WHOLLY DIFFERENT LINE OF REASONING AND LOGICAL THINKING. UNFORTUNATELY, MASK REQUIREMENTS AND ITS ANALYSIS ARE NOT AS APPRECIATED AS THE NOTION, "TOUCH A HOT STOVE EYE AND YOU WILL GET BURNED." TOUCHING A "HOT STOVE EYE" IS KNOWN TO CREATE A BURN, HOWEVER, THE IDEA OF MASKS AND THEIR EFFECTIVENESS ARE NOT AS CREDIBLE. THIS HONORABLE COURT HAS BY ITS MANDATE HAS EMBRACED AN IDEOLOGICAL PERSPECTIVE WHICH REQUIRES OTHERS TO SUCCUMB IN ITS BELIEF BY WEARING A MASK IN A PUBLIC BUILDING PAID FOR BY PUBLIC DOLLARS. TO FORCE ONE WHO IS ABSENT OF FEAR OF THIS VIRUS, TO EMPLOY PRACTICES AND RITUALS THAT EMBRACE AN IDEOLOGY AND PRACTICE OF FEAR CREATES A BY PRODUCT OF MENTAL, EMOTIONAL, AND PHYSICAL SUFFERING.

MR. BOWLIN, COUNSEL FOR MR. WALLACE IS A MAN OF FAITH WHOSE HOPES AND EXPECTATIONS ARE FOUND IN THE CREATOR OF THE UNIVERSE. TO CREATE THE ILLUSION OF FEAR WITH TRUST IN A MASK FOR PROTECTION DOES NOT CLING MY BELIEFS AND CONVICTIONS. AS THE GREATEST AUTHOR OF ALL TIMES HAS DECLARED:

SO DO NOT FEAR, FOR I AM WITH YOU; DO NOT BE DISMAYED, FOR I AM YOUR GOD. I WILL STRENGTHEN YOU AND HELP YOU; I WILL UPHOLD YOU WITH MY RIGHTEOUS RIGHT HAND. *ISIAH 41:10*

NEVERTHELESS, I WILL BRING HEALTH AND HEALING TO IT; I WILL HEAL MY PEOPLE AND WILL LET THEM ENJOY ABUNDANT PEACE AND SECURITY. *JEREMIAH 33:6*

PEACE I LEAVE WITH YOU; MY PEACE I GIVE YOU. I DO NOT GIVE TO YOU AS THE WORLD GIVES. DO NOT LET YOUR HEARTS BE TROUBLED AND DO NOT BE AFRAID. *JOHN 14:27*

TO EMBRACE AND COMPLY WITH THIS HONORABLE COURT'S ORDER REQUIRES A SNUBBING OF MY RELIGIOUS BELIEFS, CUSTOMS, AND PRACTICES OF LIFE AND TO CREATE DECEPTION THAT SIMPLY ISN'T MY TRUE SELF. TO NOT FEAR!

**IV. THE JUDGES OF THIS DISTRICT HAVE EMBRACED BY ITS OWN ORDERS A REASONING THAT IS INCONCLUSIVE AND UNPERSUASIVE.**

AS OF LATE, THE HONORABLE JUDGE GREER REFUSED TO ACCEPT THE ARGUMENT OF ONE DEFENDANT AND THUS EMBRACED THE POSITION OF THE PLAINTIFF IN A MASK MANDATE LAWSUIT. *S.B. ET AL. V. GOV. BILL LEE ET AL.* TRIAL COURT CASE NO. 3:21-CV-00317. JUDGE GREER REPRESENTED IN ITS MOST RECENT MEMORANDUM AND OPINION:

PLAINTIFFS ALLEGE THAT THEY SUFFER FROM UNDERLYING MEDICAL CONDITIONS THAT EXPOSE THEM TO A LIKELIHOOD OF SEVERE ILLNESS OR DEATH FROM COVID-19, A HIGHLY TRANSMISSIBLE AND SOMETIMES DEADLY VIRUS THAT INVADES THE BODY **THROUGH THE MOUTH, NOSE, AND EYES** AND SPREADS THROUGH RESPIRATORY DROPLETS THAT PERSONS PRODUCE BY SPEAKING, COUGHING, OR SNEEZING. [Hr'g Tr. at 51:2-25, 52:1-6, 103:8-9]. [EMPHASIS ADDED].

*Id.* AT DOC. 47 PAGE 3.

THE HONORABLE JUDGE GREER HAS GONE ABOVE AND BEYOND IN STRESSING THE REASONS WHY THE PLAINTIFF WILL BE SUCCESSFUL ON THEIR ASSERTIONS. *Id.* CLEARLY, IF THIS POSITION IS ACCURATE, WHY NOT WEAR GOGGLES IF THIS VIRUS CAN ENTER THROUGH THE NOSE, MOUTH, AND **EYES**? WHERE ARE OUR EYE COVERINGS?

THERE'S THE SAME CHANCE OF INFECTION WITH **SARS-CoV-2**, SAYS DUH. "IF THERE ARE DROPLETS THAT AN INFECTED INDIVIDUAL IS PRODUCING BY COUGHING OR **SNEEZING** OR EVEN SPEAKING, THEN THE FRONT OF THE EYES ARE DIRECTLY EXPOSED, JUST LIKE THE NASAL PASSAGES ARE EXPOSED."<sup>3</sup>

[HTTPS://WWW.WEBMD.COM/LUNG/NEWS/20200526/CAN-YOU-CATCH-COVID19-THROUGH-YOUR-EYES](https://www.webmd.com/lung/news/20200526/can-you-catch-covid19-through-your-eyes)

THERE IS CLEARLY A WEAK METHODOLOGY TO THE DEPLOYMENT OF THESE MASK MANDATES.

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<sup>3</sup> Elia Duh, MD, a researcher and professor of ophthalmology at the Johns Hopkins School of Medicine in Baltimore.

V. COUNSEL FOR MR. WALLACE WILL BE UNABLE TO PROVIDE EFFECTIVE AND ADEQUATE REPRESENTATION.

MR. BOWLIN DIVULGES THAT BY FORCING HIM TO WEAR A MASK WILL DISTRACT AND CAUSE A TOTAL SHIFT IN FOCUS, MENTAL STAMINA, AND ATTENTION DURING TRIAL. MR. BOWLIN WILL SPEND MORE TIME, TRYING TO BREATHE, KEEP HIS GLASSES FROM FOGGING, AND MENTALLY BATTLING THE INVOLUNTARILY EFFECTED EXHAUSTION CAUSED BY THE OF WEARING A MASK. COMMUNICATION WITH MR. WALLACE WILL BE HINDERED, FOCUS WILL BE LOST, VISION AND EXPRESSION CONCEALED, AND EFFECTIVE AND ADEQUATE REPRESENTATION WILL BE HIJACKED BY CAUSING A SHIFT OF ATTENTIVENESS DURING TRIAL. THE STRUGGLE WITH MASK WEARING IS REAL!

- 1) YOU MIGHT FEEL **ANXIOUS OR PANICKY**, AS COVERING YOUR MOUTH AND NOSE MIGHT AFFECT THE AIR YOU BREATHE. THIS CAN CAUSE SYMPTOMS LIKE FEELING **DIZZY OR SICK**, WHICH YOU MAY THEN ASSOCIATE WITH YOUR MASK.
- 2) YOU MIGHT FEEL **TRAPPED OR CLAUSTROPHOBIC**.
- 3) COVERING YOUR FACE CHANGES THE WAY YOU LOOK, WHICH MAY CAUSE **NEGATIVE FEELINGS AROUND YOUR IDENTITY OR BODY IMAGE**.
- 4) CERTAIN MATERIALS TOUCHING YOUR SKIN MIGHT FEEL VERY HARD TO COPE WITH, WHICH MAY CREATE **SENSORY OVERLOAD**.
- 5) IF YOU WEAR GLASSES, THEY MIGHT STEAM UP SO **YOU CAN'T SEE CLEARLY**. THIS MIGHT ADD TO FEELING **OVERWHELMED**.
- 6) SEEING PEOPLE WITH COVERED FACES MIGHT MAKE YOU FEEL **UNEASY OR SCARED OF OTHERS**. THEY MIGHT SEEM THREATENING, SINISTER, OR DEHUMANIZED.
- 7) MASKS ARE A **VISUAL REMINDER OF THE VIRUS**, SO SEEING MASKS MIGHT MAKE YOU FEEL **ON EDGE OR UNABLE TO RELAX**. IT MIGHT SEEM LIKE DANGER IS EVERYWHERE.
- 8) WEARING OR SEEING PEOPLE WEAR MASKS MIGHT **TRIGGER A MEMORY OF A TRAUMATIC EVENT**. IF THIS IS THE CASE FOR YOU, THERE IS FURTHER [GUIDANCE ON THE VICTIM SUPPORT WEBSITE](#).

[WWW.MIND.UK.ORG](http://WWW.MIND.UK.ORG)

VI. REQUIREMENT OF MASKS HAS A NEGATIVE IMPACT ON CASE PRESENTATION AND COMMUNICATION.

WEARING A MASK HAS A MUCH GREATER IMPACT ON COMMUNICATION AND PRESENTATION THAN ON THE ALLEGED DISSIPATION OF DROPLETS BY WHICH COVID IS SPREAD.

WE DEPEND ON NON-VERBAL BEHAVIOR, AND PARTICULARLY FACIAL EXPRESSION, TO EXPRESS OURSELVES AND COMMUNICATE TO OTHERS. THOSE FEELINGS ABOVE, AND MANY MORE, GET EXPRESSED ON OUR FACES. IN SOME

CONTEXTS, NON-VERBAL COMMUNICATION ACCOUNTS FOR THE MAJORITY OF WHAT WE UNDERSTAND IN OUR SOCIAL EXCHANGES.<sup>4</sup> [EMPHASIS ADDED].

[HTTPS://WWW.CUGMHP.ORG/FIVE-ON-FRIDAY-POSTS/WHY-A-MASK-IS-NOT-JUST-A-MASK/](https://www.cugmhp.org/five-on-friday-posts/why-a-mask-is-not-just-a-mask/)

REQUIRING COUNSEL FOR MR. WALLACE TO WEAR A MASK HAS A NEGATIVE IMPACT ON HIS ABILITY TO COMMUNICATE TO THE PARTICIPANTS AT TRIAL. TRIAL LAWYERS ARE RARELY GIVEN THE OPPORTUNITY TO PRESENT THEIR CASE TO A JURY AT TRIAL, AND TO ELIMINATE THE MOST ADVANTAGEOUS TOOL (THE ART OF COMMUNICATION AND INFLUENCE) GREATLY DEPRIVES MR. WALLACE' COUNSEL OF DOING HIS JOB.

**VII. TO REQUIRE A MASK IS UNCONSTITUTIONAL AND RUNS AFOUL TO THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION.**

THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION PROHIBITS GOVERNMENT FROM INTERFERING WITH ONE'S ABILITY TO FREE SPEECH AND EXPRESSION WITHOUT THE INTERFERENCE OF GOVERNMENT. THE REQUIREMENT OF WEARING A MASK DIRECTLY IMPACTS THIS CONSTITUTIONALLY PROTECTED RIGHT. A RIGHT REASSURED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS ARTICLE 19.

EVERYONE HAS THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION; THIS RIGHT INCLUDES FREEDOM TO HOLD OPINIONS WITHOUT INTERFERENCE AND TO SEEK, RECEIVE AND IMPART INFORMATION AND IDEAS THROUGH ANY MEDIA AND REGARDLESS OF FRONTIERS.

*UNIVERSAL DECLARATION OF HUMAN RIGHTS, ARTICLE 19.*

THE REQUIREMENT OF A MASK DIRECTLY DETERIORATES THE CONSTITUTIONALLY PROTECTED RIGHTS OF FREE SPEECH AND COUNSEL FOR MR. WALLACE.

**WHEREFORE**, MR. BOWLIN RESPECTFULLY REQUESTS THIS HONORABLE COURT PURSUANT TO THE AUTHORITY OF THE CONSTITUTION OF THE UNITED STATES AND THE STATE OF TENNESSEE EXCLUDE MR. BOWLIN

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<sup>4</sup> [Kathleen M. Pike, PhD](#) is Professor of Psychology and Director of the Global Mental Health WHO Collaborating Centre at Columbia University



FROM THIS UNCONSTITUTIONAL EFFORT TO REQUIRE MR. BOWLIN TO WEAR A FACE MASK DURING THE TRIAL OF MR.  
WALLACE.

RESPECTFULLY SUBMITTED, THIS THE \_\_\_\_ DAY OF OCTOBER, 2021.

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A TRUE AND EXACT COPY OF THE FOREGOING **MOTION TO REMOVE MASK OF COUNSEL FOR MR. WALLACE** HAS BEEN DULY FILED ELECTRONICALLY. NOTICE OF THE FILING WILL BE SENT BY OPERATION OF THE COURT'S ELECTRONIC FILING SYSTEM TO ALL PARTIES INDICATED ON THE ELECTRONIC FILING RECEIPT. ALL OTHER PARTIES WILL BE SERVED BY REGULAR U.S. MAIL. PARTIES MAY ACCESS THIS FILING THROUGH THE COURT'S ELECTRONIC FILING SYSTEM.

THIS 19 DAY OF **OCTOBER**, 2021.

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